

KEVIN V. RYAN (CSBN 118321)  
United States Attorney

EUMI CHOI (WVSN 0722)  
Acting Chief, Criminal Division

EDWARD TORPOCO (CSBN 200653)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102-3495  
Telephone: (415) 436-7071  
FAX: (415) 436-7234

Attorneys for Plaintiff UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JING SHAN ZHOU,

Defendant.

No.: CR 3-05-70522

STIPULATION AND ~~PROPOSED~~  
ORDER EXTENDING TIME FOR  
PRELIMINARY EXAMINATION  
AND EXCLUDING TIME FROM  
SPEEDY TRIAL CALCULATION

With the agreement of the parties, the Court enters this Order vacating the preliminary hearing on September 22, 2005, setting a new preliminary hearing on October 12, 2005, documenting Defendant's waiver of the preliminary hearing date until October 12, 2005 under Federal Rule of Criminal Procedure 5.1, and excluding the time period from September 22, 2005 through October 12, 2005 under the Speedy Trial Act, 18 U.S.C. § 3161.

The parties agree, and the Court finds and holds, as follows:

1. The Court has set a preliminary hearing for September 22, 2005 at 9:30 a.m.

Undersigned defense counsel have received approximately 500 pages of initial discovery in this case and require time to obtain and review additional discovery that is forthcoming from the United States. Defense counsel are located in Southern California and are next available to travel

1 to this District on October 12, 2005 due to scheduling conflicts.

2 2. Given the foregoing facts, the parties request and agree that there is good cause  
3 for the preliminary hearing to be reset for October 12, 2005, at 9:30 a.m. The parties stipulate  
4 that the time limit for the filing of an information or indictment shall be extended under  
5 18 U.S.C. § 3161(b). The parties further stipulate that the time period from September 22, 2005  
6 through October 12, 2005 shall be excluded from the Speedy Trial Act calculation pursuant to  
7 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

8 3. Given defense counsel's unavailability until October 12, 2005 and the need for  
9 additional time to review discovery and meet with the Defendant, the failure to grant the  
10 requested continuance would unreasonably deny the Defendant continuity of counsel as well  
11 as effective preparation of counsel taking into account the exercise of due diligence. See 18  
12 U.S.C. § 3161(h)(8)(B)(iv). In addition, the ends of justice would be served by the Court  
13 excluding the proposed time period; these ends outweigh the best interest of the public and the  
14 Defendant in a speedy trial. See id. § 3161(h)(8)(A), (B)(iv).

15 SO STIPULATED.

16  
17 DATED: \_\_\_\_\_

ROBERT HARTMANN  
STANLEY L. FRIEDMAN  
Attorneys for Defendant Jinh Shan Zhou

18  
19  
20  
21 DATED: 9/20/05

  
EDWARD TORPOCO  
Assistant United States Attorney

SEP-20-2005 16:13

P.03

to this District on October 12, 2005 due to scheduling conflicts.

2. Given the foregoing facts, the parties request and agree that there is good cause for the preliminary hearing to be reset for October 12, 2005, at 9:30 a.m. The parties stipulate that the time limit for the filing of an information or indictment shall be extended under 18 U.S.C. § 3161(b). The parties further stipulate that the time period from September 22, 2005 through October 12, 2005 shall be excluded from the Speedy Trial Act calculation pursuant to 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

3. Given defense counsel's unavailability until October 12, 2005 and the need for additional time to review discovery and meet with the Defendant, the failure to grant the requested continuance would unreasonably deny the Defendant continuity of counsel as well as effective preparation of counsel taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). In addition, the ends of justice would be served by the Court excluding the proposed time period; these ends outweigh the best interest of the public and the Defendant in a speedy trial. See *id.* § 3161(h)(8)(A), (B)(iv).

SO STIPULATED.

DATED: 9/20/05

  
ROBERT HARTMANN  
STANLEY L. FRIEDMAN  
Attorneys for Defendant Jinh Shan Zhou

DATED: 9/20/05

  
EDWARD TORPOCO  
Assistant United States Attorney

1 In light of the foregoing facts, and with the consent of the parties, the Court hereby (1)  
2 vacates the preliminary hearing on September 22, 2005, (2) sets a new preliminary hearing date  
3 of October 12, 2005, at 9:30 a.m., (3) finds that the Defendant has waived a preliminary hearing  
4 until October 12, 2005 under Federal Rule of Criminal Procedure 5.1, and (4) orders that the  
5 period from September 22, 2005 through October 12, 2005 be excluded from the Speedy Trial  
6 Act calculation under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

7 PURSUANT TO STIPULATION, IT IS SO ORDERED.

8  
9 DATED: 9/21/05

  
HON. JOSEPH C. SPERO  
United States Magistrate Judge

CERTIFICATE OF SERVICE

UNITED STATES OF AMERICA v. JING SHAN ZHOU

**CR 3-05-70522**

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of:

**STIPULATION AND ORDER EXTENDING TIME FOR PRELIMINARY  
EXAMINATION WAIVING DETENTION WITHOUT PREJUDICE AND EXCLUDING  
TIME FROM SPEEDY TRIAL CALCULATION**

to be served this date on the party(ies) in this action,

**Via Facsimile to:  
Robert Hartmann  
(714) 543-8155**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: September 21, 2005

  
\_\_\_\_\_  
Mae Chu, Legal Assistant  
to AUSA EDWARD TORPOCO